

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DAVID BURNS,

Case No. 3:22-cv-00021-MMD-CLB

Petitioner,

ORDER

v.

WARDEN RUSSELL, *et al.*,

Respondents.

On October 9, 2023, this Court granted, in part, Respondents' motion to dismiss. (ECF No. 53.) This Court ordered Burns to inform this Court how he wished to proceed with the unexhausted portion of ground 7. (*Id.*) On December 11, 2023, Burns moved for a second extension to file his response to this Court's order. (ECF No. 57.) On December 13, 2023, Respondents filed their non-opposition to the motion, and Burns filed a declaration of abandonment in compliance with this Court's October 9, 2023, order. (ECF Nos. 58, 59.) This Court finds good cause to grant the motion for extension and considers the declaration of abandonment to be timely filed.

It is therefore ordered that the motion to extend time (ECF No. 57) is granted. Burns's declaration of abandonment is considered timely filed.

It is further ordered that ground 7 is dismissed to the extent it relies on Burns's direct appeal claims. Respondents have up to and including February 12, 2024, to file their answer to Burns's remaining grounds for relief.

DATED THIS 15<sup>th</sup> Day of December 2023.

  
MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE